S.B.CRIMINAL MISC. BAIL APPLICATION NO. 5955/2007
(Lalit Kumar Vs. State of Rajasthan)

DATE OF ORDER : 11/12/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. B.S.Rathore for the petitioner.
Mr. Ashok Upadhayay, Public Prosecutor for State.
Mr. S.S.Khatri for the complainant.

Heard learned counsel for the petitioner and Public Prosecutor for the State. Perused the order impugned and police investigation diary.

It is contended by learned counsel for the petitioner that the petitioner is recorded Khatedar of the Khasra No. 2672/7232 measuring 0.69 Hectare and he executed a general power of attorney in favour of one Kishnaram to deal with the land in question. This fact has not been disputed that the particular khasras as noticed above are recorded in the Khatedari of the petitioner. However, learned public prosecutor and the counsel appearing for the first informant submit that though the petitioner had Khatedari land as noticed above but certain plots have been carved out in the land which ultimately found to be the Govt. land.

Be that as it may, so far as the execution of the power of attorney is concerned, he has rightly executed the power of attorney in respect of the khasras to which he holds Khatedari, without commenting on the merit of the case, having regard to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I consider it just and proper to allow the bail application filed by the petitioner under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner u/s 438 Cr.P.C. is allowed and it is directed that in the event of

arrest of petitioner Lalit Kumar S/o Padma Ji in FIR No. 237/2007 P.S. Bhinmal, district Jalore, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- alongwith one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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